IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13132 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHYAMA D/O.DILIPBHAI CHATURBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 13132 of 2004

MR MURALI N DEVNANI for Petitioner No. 1

MR JITENDRA MALKAN for Respondent No. 1

DS AFF.NOT FILED (N) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/10/2004

ORAL JUDGEMENT

1. Rule. Mr.Jitendra Malkan ld. Addl. Central

Govt. Standing Counsel waives service of rule on behalf of the respondent. By consent of the parties, the petition is heard finally today.

2. The grievance of the petitioner is that while applying for passport before the respondent-authority, due to some discrepancy regarding her birth date mentioned in the Birth Certificate and the School Leaving Certificate, she has not been issued passport as her birth date is incorrectly mentioned as 30/07/1981 instead of 17/08/1981. The petitioner has produced on record a copy of her birth certificate in which her date of birth is shown as 17/08/1981, at Annexure-A to the petition.

2.1. Mr.Devnani, learned advocate for the petitioner has submitted that the correct date of birth of the petitioner is 17/08/1981 which is mentioned in the Birth Certificate. So far as this aspect is concerned, this Court cannot find out the exact birth date of the petitioner.

2.2. Since the application of the petitioner was already pending for issuance of passport, the passport-authority may take appropriate decision for issuing passport to the petitioner, after considering her application for change of date of birth, as submitted in her application to the Authority.

3. Considering the submissions on behalf of the parties, I dispose of this petition by directing the passport authority to consider the application of the petitioner for correction of the date of birth in the passport, after verifying the documents and if they are found to be genuine, the same shall be carried out. However, the passport authority may take appropriate decision in this connection within three months from today.

4. With these observations and directions, the petition stands disposed of. Rule is made absolute to the above extent.

Direct Service is permitted.

(K. S. Jhaveri, J.)

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